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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA,
15 Plaintiff,

16 v.

17 MICHAEL ANTHONY KENNELLY,
18 Defendant.
19

No. CR-3 06-70060 MEJ

STIPULATION AND ~~PROPOSED~~
ORDER TO EXCLUDE TIME AND
DEFER PROSECUTION

20
21 The parties hereby request that the Court exclude time under the Speedy Trial Act
22 in the above captioned case pursuant to 18 U.S.C. § 3161(h)(2) from January 9, 2007 to
23 January 9, 2008 for deferral of prosecution. The defendant also waives the time
24 requirements of Federal Rule of Criminal Procedure 5.1 for a preliminary hearing. The
25 parties agree that U.S. Attorney's Office diversion is an appropriate disposition in this
26 matter.

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STIPULATION AND [PROPOSED] ORDER TO EXCLUDE TIME AND DEFER PROSECUTION
CR 3 06-70060 MEJ

FILED
2007 JAN -9 AM 11:08
RICHARD H. V.
U.S. DISTRICT COURT
SAN FRANCISCO, CA

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The United States has placed Mr. Kennelly on U.S. Attorney's Office diversion for a period of one year for Mr. Kennelly to continue counseling programs and demonstrate good conduct. Accordingly, the parties agree that the prosecution will be deferred for a twelve month period of time.

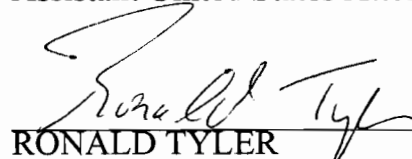
SO STIPULATED.

KEVIN V. RYAN
United States Attorney

DATED: 1/9/07


BLAKE D. STAMM
Assistant United States Attorney

DATED: 1/9/07


RONALD TYLER
Attorney for Mr. Kennelly

ORDER

Based on the stipulation of the parties and for good cause shown, IT IS HEREBY ORDERED that time is excluded under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(2) and the time requirements for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 from January 9, 2007 to January 9, 2008 for deferral of prosecution by the Government for the purpose of allowing the defendant to demonstrate good conduct under the conditions of a pretrial diversion program.

DATED: 1-09-07


JAMES LARSON
United States Magistrate Judge